

### REMARKS

Claims 1-5, 7, 15-18, and 26-30 are in the application.

Claim 1 has been amended to require from about 1% to about 40% of the principal solvent and from about 0.1% to about 15% of the phase stabilizer. Basis for these amendments can be found at page 19, lines 4-5, and page 28, lines 25-26.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

#### Rejection under 35 U.S.C. § 102

Claims 1-5, 7, 15-18, and 26-28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Baker et al., U.S. Patent No. 5,545,350. Claim 1 has now been amended to require from about 1% to about 40% of the principal solvent and from about 0.1% to about 15% of the phase stabilizer. Baker et al. do not teach or suggest a clear or translucent fabric softening composition comprising from about 2% to about 80% of fabric softener, from about 1% to about 40% of principal solvent having a ClogP of from about -2.0 to about 2.6, from about 0.5% to about 10% of electrolyte, from about 0.1% to about 15% of phase stabilizer, and water. As a result, Applicants submit that Claims 1-5, 7, 15-18, and 26-28 are not anticipated by Baker et al. under 35 U.S.C. § 102(b).

#### Rejection under 35 U.S.C. § 103

Claims 1-5, 7, 15-18, and 26-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker et al. As noted above, Baker et al. do not teach or suggest a clear or translucent fabric softening composition comprising from about 2% to about 80% of fabric softener, from about 1% to about 40% of principal solvent having a ClogP of from about -2.0 to about 2.6, from about 0.5% to about 10% of electrolyte, from about 0.1% to about 15% of phase stabilizer, and water. As a result, Applicants submit that Claims 1-5, 7, 15-18, and 26-28 are not anticipated by Baker et al. under 35 U.S.C. § 102(b).

#### Allowable Subject Matter

The Office Action indicates that Claims 29 and 30 would be allowable if rewritten independent form because the prior art does not disclose or make obvious the presence of a non-zero percentage of principal solvent in combination with a non-zero amount of the elected stabilizer and elected fabric softener. Since Claim 1, as amended, now includes each of these elements, Applicants submit that Claim 1 is similarly allowable.


**CONCLUSION**

In view of the foregoing amendments and accompanying remarks, reconsideration of the application, and allowance of all claims are respectfully requested.

Respectfully submitted,

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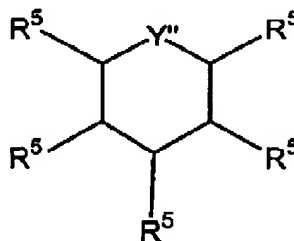
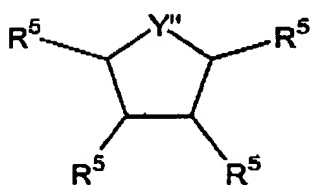
## VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 1 has been amended as follows:

1. (Four Times Amended) Clear, or translucent liquid fabric softener composition comprising:

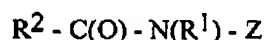
- A. from about 2% to about 80% by weight of the composition of fabric softener;
- B. a principal solvent having a ClogP of from about -2.0 to about 2.6 present at a level [up] of from about 1% to about 40% by weight of the composition;
- C. from about 0.5% to about 10% by weight of the composition of electrolyte;
- D. [optionally,] from [0%] about 0.1% to about 15% by weight of the composition of phase stabilizer selected from the group consisting of:
  - 1. nonionic surfactants derived from saturated and/or unsaturated primary, secondary, and/or branched, amine, amide, amine-oxide fatty alcohol, fatty acid, alkyl phenol, and/or alkyl aryl carboxylic acid compounds having from about 6 to about 22 carbon atoms in a hydrophobic chain, wherein at least one active hydrogen of said compounds is ethoxylated with  $\leq 50$  ethylene oxide moieties to provide an HLB of from about 8 to about 20;
  - 2. nonionic surfactants with bulky head groups selected from:
    - a. surfactants having the formulas:



wherein Y'' = N or O; and each R<sup>5</sup> is selected independently from the following: -H, -OH, -(CH<sub>2</sub>)<sub>x</sub>CH<sub>3</sub>, -O(OR<sup>2</sup>)<sub>z</sub>-H, -OR<sup>1</sup>, -OC(O)R<sup>1</sup>, and -CH(CH<sub>2</sub>-(OR<sup>2</sup>)<sub>z</sub>-H)-CH<sub>2</sub>-(OR<sup>2</sup>)<sub>z</sub>-C(O)R<sup>1</sup>, wherein R<sup>1</sup> is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having a length of from about 6 to about 22, wherein each R<sup>2</sup> is selected from the following groups or combinations of the following groups: -

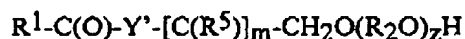
$(\text{CH}_2)_n$ - and/or  $-\text{[CH(CH}_3\text{)CH}_2\text{]}-$  wherein n is from 1 to 4; and wherein x is from 0 to about 3, and z, z', and z'' are from about 5 to about 20;

- b. polyhydroxy fatty acid amide surfactants of the formula:



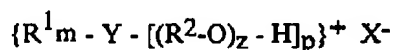
wherein: each  $\text{R}^1$  is H,  $\text{C}_1$ - $\text{C}_4$  hydrocarbyl,  $\text{C}_1$ - $\text{C}_4$  alkoxyalkyl, or hydroxyalkyl;  $\text{R}^2$  is a  $\text{C}_5$ - $\text{C}_{21}$  hydrocarbyl moiety; and each Z is a polyhydroxyhydrocarbyl moiety having a linear hydrocarbyl chain with at least 3 hydroxyls directly connected to the chain, or an ethoxylated derivative thereof;

- c. surfactants having the formula



wherein  $\text{R}^1$  is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having a length of from about 6 to about 22;  $\text{Y}'$  is selected from the following groups:  $-\text{O}-$ ;  $-\text{N(A)}-$ ; and mixtures thereof; and A is selected from the following groups: H;  $\text{R}^1$ ;  $-(\text{R}^2\text{-O)}_z\text{H}$ ;  $-(\text{CH}_2)_x\text{CH}_3$ ; phenyl, or substituted aryl, wherein x is from 0 to about 3 and total z is from about 5 to about 30; each  $\text{R}^2$  is selected from the following groups or combinations of the following groups:  $-(\text{CH}_2)_n$ - wherein n is from about 1 to about 4 and/or  $-\text{[CH(CH}_3\text{)CH}_2\text{]}-$ ; each  $\text{R}^5$  is selected from the following groups:  $-\text{OH}$ ; and  $-\text{O(R}_2\text{O)}_z\text{H}$ ; and m is from about 2 to about 4; and

- d. mixtures thereof;
3. surfactant complexes formed by one surfactant ion being neutralized with surfactant ion of opposite charge or an electrolyte ion that is suitable for reducing dilution viscosity;
  4. block copolymer surfactants comprising polyethylene oxide moieties and propylene oxide moieties;
  5. cationic surfactants having the formula:



wherein  $\text{R}^1$  is selected from the group consisting of saturated or unsaturated, primary, secondary or branched chain alkyl or alkyl-aryl hydrocarbons; said hydrocarbon chain having from about 6 to about 22 carbon atoms; each  $\text{R}^2$  is selected from the following groups or combinations of the following groups:  $-(\text{CH}_2)_n$ - and/or  $-\text{[CH(CH}_3\text{)CH}_2\text{]}-$ ; Y is selected from the following groups: =

$N^+-(A)_q$ ;  $-(CH_2)_n-N^+-(A)_q$ ;  $-B-(CH_2)_n-N^+-(A)_2$ ;  $-(phenyl)-N^+-(A)_q$ ;  $-(B-phenyl)-N^+-(A)_q$ ; with  $n$  being from about 1 to about 4, wherein each  $A$  is independently selected from the following groups:  $H$ ;  $C_{1-5}$  alkyl;  $R^1$ ;  $-(R^2O)_z-H$ ;  $-(CH_2)_xCH_3$ ; phenyl, and substituted aryl; where  $x$  is from 0 to about 3; and each  $B$  is selected from the following groups:  $-O-$ ;  $-NA-$ ;  $-NA_2$ ;  $-C(O)O-$ ; and  $-C(O)N(A)-$ ; wherein  $R^2$  is defined as hereinbefore;  $q = 1$  or  $2$ ;  $m + p + q = 4$ ; total  $z$  per molecule is from about 3 to about 50; and  $X^-$  is an anion which is compatible with fabric softener actives and adjunct ingredients; and

6. mixtures thereof; and

E. the balance water,

wherein said electrolyte and said phase stabilizer, when present, provide at least one improvement selected from: lower dilution viscosity; the same, or better, stability with less principal solvent; and/or the use of principal solvents with a ClogP outside the range of from about 0.15 to about 0.64.